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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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GREENBERG-TRAURIG
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MCLEAN VA 22102

EXAMINER

GARG, Y

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

06/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.

09/277,771

Applicant(s)

DYKES ET AL.

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-4 and 6-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Tengal et al., U S Patent No. 5,940,812 filed 08/19/1997, hereinafter Tengal.

3. Per claim 1 Tengal discloses an automated system for collecting and disseminating loan information over a network connection, comprising:

means (col.4 line 46- "Referring to Fig.1, a **loan origination apparatus** of the present invention) for receiving loan data comprising daily loan data from lenders and for storing said loan data in a database (col.7 lines 39-43, " Referring back to the flowchart of Fig.2, the operation of the loan origination-----storing into the **database 110 respective loan attributes** for each offered loan----the potential borrower -step 204-". See Table of loan attributes in Fig.4. Also refer to col.8 lines 22-27, "The lender ensures that such loan attributes and loan acceptance criteria are stored in the database 110-----In addition, the lender may periodically update the respective loan attributes and the respective loan acceptance criteria as stored in the database 110 for

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any offered loan"). The loan attributes, as listed in the table, ref.Fig.4 are interest rate, margin, origination fee etc, vary from day to day. The origination fee is same as "points".

Means (**loan origination apparatus** as stated above) for providing to a user (col.4 lines 53-64, " The loan origination apparatus typically includes a plurality of **consumer** terminals-----Each consumer terminal is located with a potential borrower--- ----- Alternatively, a consumer terminal may be located with a consumer service representative--- **the global telecommunications network**), over said network connection, a list of possible loan criteria (col.5 lines 14-19- "This operation includes storing into the database 110 **a respective loan acceptance criteria** for any offered loan that is potentially available to a -step 202-);

Means (**loan origination apparatus** as stated above) for receiving, over said network connection, a user's application loan criteria selected from said list of possible loan criteria (col.8 lines 32-65, specifically refer to lines 32-40, "Referring back to Fig.2, a potential borrower in search of loan enters a first portion of borrower attributes via a consumer terminal-step 206-----When the global telecommunications network 108 is the internet, the borrower may download to a consumer terminal a web- page that includes a borrower loan application form 500 of fig.5.);

Means (**loan origination apparatus** as stated above) for using said applicable loan criteria and said loan data to create a list of loan adjustments (Steps 210, 212, and 214 Fig. 2A and col.9 lines 29-35, " **A set of all available loans** is determined by comparing the borrower attributes against all loan acceptance criteria stored in

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database 110-----A first ranking of best loans is determined for each individual loan attribute –step 212);

Means (**loan origination apparatus** as stated above) for transmitting to said user over said network connection a quoted interest rate and said list of loan adjustments (Step 216, Fig. 2B “Display the rankings of best loans to the potential borrower via the global telecommunications network”. Refer Fig. 6 –Ranking of best available loans-display information about interest rates, origination fee-points, etc.,).

4. Claim 6, a method utilizing the means stated in claim 1 and being identical to claim 1, is identically rejected as above.

5. Claims 2-3 and 8; Tengel teaches that loan data and loan adjustments comprise of points, interest rates, caps, or margins and their adjustments (col. 7 lines 50-67, col.8 lines 1-18, Fig.4. Table of loan attributes in fig.4 displays the loan attributes like, **interest rate, origination fee, margin, etc.** The table does not show caps listed but does include “index” item 406 and “adjustment interval” item 407, which are related to adjustable interest rate. The term “caps” is also related to adjustable interest rate and as such it would be inherent to list caps if borrower selects adjustable interest rate. Fig.6 shows ranking of best available loans and includes all the loan attributes as mentioned earlier. The ranking of best available loans is arrived at only after comparing the borrower’s attributes with acceptance loan criteria, as already stated above). Origination fee is same as “points”.

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6. Claims 4 and 7; Tengel teaches that the automated system further comprises means (**loan origination apparatus** as stated above) for interactively allowing a user to select, lock, and register a loan over said network connection (col.9 lines 60-67 and col.10 lines 1-13, Fig.2 steps 218, 220 and 22, Fig.7. "From the rankings of best loans, **the potential borrower chooses a selected loan** provided by a selected lender -----a selected lender display 700 is shown on a consumer screen 750 of a consumer terminal-----This information includes the lender's name-----and the loan attributes of the selected loan---If the **potential borrower responds with a "Y" for "yes", the loan origination system** ----generates a loan application from the borrower attributes --- ----This loan application is then sent via the global telecommunications network to that of lender for approval"). Tengel does not use the term "lock" but locking of the interest rates is inherent when the potential borrower selects the "best ranking loan" as described by Tengel.

7. Claim 9; Tengel discloses that automated system comprises of:

lender computer (col.4 lines 46-52, Fig.1 **lender terminal 102 and a second lender terminal**) for creating first and second files, said first file containing terms and conditions associated with a loan product and said second file containing daily data describe a current rate, points, cap or margin associated with said loan product (col.2 lines 59-67, "The respective lender terminal accepts a respective loan acceptance criteria and respective loan attributes for each loan provided by each of the lenders. "). Loan acceptance criteria refers to information on loan product (Fig.3A and

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3B) and Loan attributes refer to daily data like, current rates, points, Fig.4, as already analyzed above.

Database (database 110, Fig.1) means for storing data from said first and second files (Steps 202 and 204, Fig.2A);

Server (server terminal 109, Fig. 1) means for using said data in said database (database 110) to interface with a user via a network connection (col.7 lines 20-22 "The loan acceptance criteria is sent from a lender terminal via the global telecommunications network and lines," and lines 50-53, " a table of loan attributes ----- may be displayed as a web page in a similar manner as described for form 300 of Figs. 3A and 3B).

8. Claims 10-11, Tengel teaches that said network connection comprises an internet connection (col.5 lines 1-2, "A common example of such a global telecommunications network is **the Internet.**") and a world wide web server (col.7 lines 6-8, "The form 300 of Figs. 3A and 3B may be advantageously displayed as a web page by a **conventional web browser based on HTML**").

9. Claim 12; being a method to use the system claimed in claim 9, is identically rejected.

10. Claim 13, Tengel teaches the step of using said server and data in said database to interface with a user via a network connection comprises:

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using said data from said database to create HTML pages and providing them to said user over said network (col.7 lines 6-19 "The form 300 of Figs. 3A and 3B may be advantageously displayed as a web page by a conventional web browser based on **HTML**-----One of ordinary skill in web technology can really implement such a web page form").

Receiving over said network connection user input indicating a selection of applicable adjustment for a particular loan product (Step 222, fig.2B, "Send the loan application via the **global telecommunications network** to the selected lender for loan approval).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 5; Tengel teaches that the said load data further comprises loan product data which is periodically updated (col.8 lines 24-26, "In addition, the lender may periodically update the respective loan attributes and the respective loan acceptance criteria as stored in the database 110 for any offered loan"). Tengel fails to teach that said loan product data remains constant from day-to-day. Official Notice is taken that

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both the concept and the advantage of keeping said product data (interest rates, points, etc.) constant from day to day are well known and expected in the art. It would have been obvious to include the feature of keeping said loan product data constant from day to day, as it would ensure borrower of the constancy of the interest rates, points, etc., on a particular day and further enable him or her to select rate of interest, points, etc., lock and register the loan on that day.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents:

US Patent No. 6,105,007 to Norris

US Patent No. 6,088,686 to Walker et al.

US Patent No. 5,870,721 to Norris

Press releases retrieved from the Internet:

Clayton, Michelle, "Examining electronic mortgage networks" in America's Community Banker, Washington, vol.7, issue 7, 6 pages, Jul 1998 [online], [retrieved on 2001-04-30], Retrieved from the Database Proquest Database of USPTO using Internet <URL: <http://proquest.umi.com/pqweb?TS=98866>>

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Stillwater, "QuickenMortgage Passes 10,000 Online Submissions" in Newsbytes News Network, 3 pages, Mar 1998 [online], [retrieved on 2001-04-30], Retrieved from the Database Proquest Database of USPTO using Internet <URL:
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Wise, Christy, " Three strategies" in Mortgage Banking; Washington; vol.58, issue 7, 9 pages, Apr 1998 [online], [retrieved on 2001-04-30], Retrieved from the Database Proquest Database of USPTO using Internet <URL:
<http://proquest.umi.com/pqweb?TS=98866>>

Sindell, Kathleen, " Online lending-not business as usual" in Mortgage Banking, Washington; vol.58, issue 11, 10 pages, Aug 1998 [online], [retrieved on 2001-04-30], Retrieved from the Database Proquest Database of USPTO using Internet <URL:
<http://proquest.umi.com/pqweb?TS=98866>>

Bank, David, "Microsoft to Open On-Line Realty, Service Today" in The Wall Street Journal; New York; 3 pages, Jul 13 1998 [online], [retrieved on 2001-04-30], Retrieved from the Database Proquest Database of USPTO using Internet <URL:
<http://proquest.umi.com/pqweb?TS=98866>>.

Anonymous, " Canadian mortgages go online: Bank of Montreal offers quick loan approval over the Internet" in Bank Advertising News; North Palm Beach, vol.20, issue

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13, 1 page, Mar 10, 1997 [online], [retrieved on 2001-04-30], Retrieved from the Database Proquest Database of USPTO using Internet <URL:
<http://proquest.umi.com/pqweb?TS=98866>. >

Fact Sheet (LionInc.com Network, a web site of Lion Inc. Denver, Colorado, provider of online business-to-business products and services for the mortgage industry [online], [retrieved on 2001-05-01], Retrieved from the Internet <URL:
<http://lioninc.com/lioncorp/product1>>

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millen can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-1396 for regular communications and 703-308-1396 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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May 3, 2001